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No. 126.

1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

An Act to regulate the Pilotage for and
below the Port of Quebec.

Received and Read First time, Friday, 13th
October, 1854.

Second reading, Thursday, 19th October, 1854.

M. TACHE.

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(126)

1854.]

BILL.

[No. 126.

An Act to regulate the Pilotage for and below the Port of Quebec.

WHEREAS it is necessary to provide for the regulation of the Pilotage in and below the Port of Quebec, and it has become requisite to keep the Pilots within the navigable limits in which their services are required, and to ensure the regularity of the service of such Pilots, and thereby prevent the occurrence of accidents: Be it therefore enacted, &c., as follows:

PILOTAGE LIMITS AND PILOT STATIONS.

I. From and after the passing of this Act the extreme limits and stations for Pilots for and below the Port of Quebec, shall be Ile Saint Bernabé to the South, and Cape Colombier to the North, with permission to the Pilots stationed in either of these harbours to cruise in search of vessels within the first ten miles below these two harbours.

II. The stations for Pilots shall be, going down the River, at the following harbours, that is to say: The Brandy Pots; Green Island Harbour, Ile aux Basques, Bic, and Ile Saint Bernabé or Cape Colombier, which stations shall be successively occupied by Pilots as hereinafter provided.

III. The six schooners which shall be kept equipped by the Pilots, as hereinafter provided, shall cruise as wind and weather permit, within the waters following, that is to say: the first schooner, stationed at Ile Saint Bernabé or Cape Colombier, shall cruise from the West point of Saint Bernabé South, and the Saut au Cochon North, as far as ten miles below Saint Bernabé and Cape Colombier.

The second schooner, stationed at Bic, shall cruise within the waters comprised between a line drawn from the North-east Razade to the South, as far as the Mille Vaches Shallow to the North, and another line from the River Hâtée to the South, as far as the Ecorchis of Portneuf to the North.

The third schooner, stationed at Ile aux Basques, shall cruise in the waters comprised between a line drawn from the East point of Green Island, running due North across the river, and another line drawn from the South-west Razade across the river, also running due north.

The fourth schooner, stationed at the harbour of Green Island, shall cruise in the waters comprised between a line drawn from Gros-Cacouna, running due North across the River, and another line drawn from the light-house at Green Island, and also crossing the river, running due North.

5th and 6th
Schooners.

The fifth and sixth schooners shall cruise for the service of the Pilots generally, the conveyance of Pilots, and the rendering of assistance to the shipping between Ile Saint Bernabé and Cape Colombier and Quebec, and when they shall not be so engaged they may be stationed at the Brandy Pots, and cruise in company and embark Pilots throughout the whole of the Port of Quebec, from the limits hereinbefore assigned to the fourth schooner. 5

What shall be
understood as
a Schooner.

The word "schooner" shall be understood to mean any Pilot vessel, whether the same be a sailing or steam vessel; and such vessels shall be of at least forty tons burthen, and shall have distinguishing marks and occupy by turns the posts and stations hereinbefore prescribed, in pursuance of the regulations hereinafter authorised to be made: Provided always, that the Board of Directors of Pilots shall be empowered to increase the number of vessels at one or more or at all of the stations, but shall not be empowered to alter the stations, or to leave a station without a Pilot vessel; and the said Pilot vessels shall only take in Pilots within the limits of their respective cruising grounds. 10

Proviso, for
increase of
number of
Schooners, &c.

15

ORGANIZATION OF PILOTS.

Meeting for
Election of
Board of Di-
rectors, by the
Pilots them-
selves.

IV. A public meeting of the Pilots for and below the Port of Quebec, shall be called by public notice, given at least one month before the same, in at least two newspapers published in the City and district of Quebec, and by notices posted up in the Trinity House of Quebec and at the Custom Houses of Green Island and Rimouski, which meeting shall be held at Quebec, in the course of the month of one thousand eight hundred and fifty-five, for the purpose of electing six Pilots, who shall form "The Board of Directors of Pilots." 20 25

Who shall call
the meeting.

V. The said meeting shall be called by the First Superintendent of Pilots for the time being, or in his absence, by the Second Superintendent of Pilots, who is hereby required to call such meeting of Pilots and preside at the same, as hereinbefore and hereinafter provided. 30

Who may vote
at the meeting.

VI. All Branch Pilots for and below the Port of Quebec, shall be entitled to be present at such meeting, and to register their votes thereat in favor of six Pilots, to be members of the "Board of Directors of Pilots," and in the absence of such Pilots or any other of them, they may authorize any person being a Pilot to vote in their place and stead, under a power of Attorney, under private signature, or executed before two witnesses; The votes shall be taken without any discussion, and the Superintendent of Pilots presiding at the said meeting shall declare duly elected those six Pilots who shall have obtained the majority of votes; And a book of votes shall be kept in which the said votes shall be so registered after the name of each vote and adding thereto the words "personally" or "by his Attorney, A. B.," as the case may be, and any Pilot who shall make use of a counterfeit Power of Attorney shall be guilty of a misdemeanor, and upon conviction shall incur the penalties imposed for like offences. 35 40 45

Mode of vot-
ing.

Penalty for
voting on
counterfeit
power.

Case of
equality of
votes provided
for.

VII. In case it should happen that several Pilots obtain an equal number of votes, so that more than six Directors would be elected, the election shall be commenced over again for those having an equal number of votes, or for those having the lowest and at the same time an equal number of votes, and be continued until the number of six Directors be completed according to the intent and meaning of this Act. 50

VIII. The Superintendent of Pilots presiding at the said meeting shall be invested with all the powers of a Returning Officer for the election of a member of the Legislative Asssmbly, for the maintenance of order at the said meeting, and shall transmit to the Governor, through the Provincial Secretary, the minutes of the meeting and the names of the Directors elected, and shall also transmit the book of votes with such report.

Powers and duties of the President of such meeting.

IX. The Superintendent of Pilots may employ a Secretary to assist him in the discharge of the duties assigned to him, to whom he may allow a *shilling* for every hundred words written by him; which sum in addition to all sums which shall be paid by him for advertising, he may recover from the Board of Directors of Pilots, within the two months next after the said meeting; and the Directors are empowered to collect the said sum from all branch Pilots practising, by an equal and just assessment upon all of them.

Ho may employ a Clerk.

Expenses how paid.

X. The six Directors so elected shall enter into office immediately after such election.

Immediate entry into Office.

XI. After the said first meeting of Pilots, another General Meeting of Pilots shall be held every two years, in the month of December, which shall be called and presided over, as hereinafter provided, by the President of the Board of Directors of Pilots, for the time being, and the said President, or, in his absence, the Vice President, shall be invested with the authority above granted to the first Superintendent of Pilots, and the proceedings to be adopted for and at such subsequent Meetings, shall be in conformity with the regulations above provided with respect to the first meeting, and the Secretary-Treasurer of the Board of Directors of Pilots, as hereinafter designated, shall be the Secretary at each such meeting.

Elections to be held biennially after the first.

POWERS, DUTIES, AND PRIVILEGES OF THE DIRECTORS CONSTITUTING THE BOARD OF DIRECTORS OF PILOTS.

XII. The Directors constituting the Board of Directors of Pilots shall be elected for two years, except those first elected, who shall remain in office for the time that will clapse from the period of their election until the month of December, one thousand eight hundred and fifty-seven: the Directors shall be eligible for re-election at the expiration of their term of office, and shall remain in office until they are replaced by the newly elected Directors, to whom they shall transfer their papers and records, with a statement of the business transacted by them, at a meeting of the retiring and newly elected Directors, which shall take place within thirty days after every new election, and which shall be presided over by the President going out of office.

Form of Office. Directors may be elected.

XIII. The quorum of the Board of Directors of Pilots shall consist of three, and all questions shall be decided by the majority of votes, the President being entitled to vote and having a casting vote when the votes are equally divided.

Quorum of Board, casting vote.

XIV. At the first meeting of Directors elected, as in this Act provided, they shall choose from among their number a President whose duties and privileges are prescribed by this Act, and a Vice-President, who shall, when necessary, act in the stead of the President. The Directors shall elect a Secretary-Treasurer, who shall not be one of their number and who shall fill the office only during the pleasure of the Directors, and upon entering

President and Vice-President Treasurer, Secretary.

into office and before discharging the duties thereof, shall furnish security to the amount of £2,000.

Incorporation
and Corporate
Powers.

XV. The Board of Directors of Pilots shall be a corporate body having perpetual succession and a common seal, with power to change or modify the same, and the said corporation shall be distinguished by the name and title of the Board of Directors of Pilots, and may as such body politic sue and be sued, plead and be impleaded, and exercise all the rights enjoyed by Corporations created by virtue of a Public Act, in the manner and form in use in this Province. 5

By-laws.

XVI. The Board of Directors of Pilots shall make regulations for their internal management and for the distribution and government of Pilots in the two Associations of Pilots hereinafter established, and on board of the vessels belonging to the said two Associations, and the Board of Directors may repeal, renew, or amend the said By-laws when necessary. 10

Salary of Secretary-Treasurer, and contingent expenses.

XVII. The salary to be allowed to the Secretary-Treasurer, and which shall be regulated and fixed by the Board of Directors of Pilots, and the necessary contingent expenses of the said Board, shall be paid out of the moneys collected by the Secretary-Treasurer, and deposited in his hands, by an equal apportionment to be made out of the monies due to each Pilot in the distribution of the fund formed by the wages of the Pilots, in proportion to the amount each Pilot shall be entitled to for the current year. 15 20

Pilots to be divided into two Associations.

XVIII. It shall be the duty of the Board of Directors of Pilots, within the two months next after the election of the said Directors, to divide the practising Pilots, who shall then be in possession of their Branches, into two Associations, as equal in number as possible; which two Associations shall be distinguished by the letters A and B, which shall be as a name, style, and means of distinction for the two Associations. 25

Three directors to belong to each Association.

XIX. The Directors after they shall have so divided the Pilots into two Associations, and made lists of the names of those belonging to each Association, shall determine by lot to which of the two Associations each one of the Directors shall belong, but in such a manner that three Directors shall belong to the A Association and three to the B Association. 30

Pay of the Directors.

XX. Each Director being a Member of the Board of Directors of Pilots shall receive as salary or fees, for his services as such, his share as a Pilot out of the total revenue of the Association to which he shall belong, as if the said Director were a practising Pilot pursuing his profession in the vessels belonging to the Association to which he shall have been decided upon by lot to belong. 35

Directors' office.

XXI. The Directors shall have an office at Quebec, open every day during the season of Navigation, where the said Board shall hold their meetings, and which shall be the office of the Secretary and Treasurer of the Board; and the Directors shall not engage in Piloting, but shall always be ready and prepared to hold meetings when necessary, and may from time to time despatch one of their Members in one of the vessels belonging to one or other of the Associations, to visit the stations; and to see that the regulations of the Board are observed. 40 45

Not to work as Pilots.

Inspection of Stations.

For what purposes Director

XXII. The Board of Directors of Pilots shall make regulations and have power to give orders with reference to the matters following that is to say:

the internal management of Board of Directors and the division, as hereinafter provided, of the monies of practising Pilots—the conduct of Pilots on shore and on Board the Pilot vessels, during the season of navigation—the orders to be given to Captains of Pilot vessels and other officers of the said vessels, the division of the Pilots so as to form each of the Associations A and B whenever and so often as the admission of new Pilots or the de-
 5 cease or retirement of Pilots shall render the Members of the two Associations too unequal:—And generally with respect to all matters and things concerning the working of this Act; and the Board of Directors of Pilots may
 10 prosecute any Pilot refusing to conform to any such By-laws, before the Trinity House of Quebec, or before the Circuit Court of the Quebec Circuit and obtain judgment for fines not exceeding currency.

tors may make By-laws.

Prosecutions and fines.

XXIII. It shall be the duty of the Board of Directors of Pilots, to see that the two Associations of Pilots are provided with vessels suitable for the
 15 pilotage service, and it shall be lawful for each of the two Associations to buy or cause to be built the said vessels, or build them themselves, upon application to the Board, who shall make regulations for that purpose, and it shall be lawful for the creditors of the said Association to deposit in the
 20 hands of the said Directors the contract or instrument signed by the Members of the said Association, or by the Board of Directors of Pilots themselves and thereupon the Board of Directors shall retain out of the monies of each Association the sums necessary in each year to meet the engagements entered into by each Association or by the Board in the name of each such Association.

Providing vessels.

Deposit of contract by Creditors, and payments by Directors thereupon.

25 XXIV. It shall be lawful for the Board of Directors of Pilots to borrow a sum not exceeding four thousand pounds currency, for the purpose of purchasing vessels; and such sum so borrowed and the interest thereon, shall be repaid out of the funds of either of the Associations, for vessels which shall become the property of either of the said Associations; and the
 30 Board of Directors of Pilots as representing all the Pilots for and below the Port of Quebec, may hold moveable property to an amount not exceeding two hundred pounds, and vessels sufficient in number for the general service of the pilotage.

Directors may borrow money

Repayment. They may hold certain property.

35 XXV. The Directors shall assess all the Pilots practising, or the Pilots belonging to either of the two Associations, as the case may be, for the general expenses of the Pilots, and the special expenses of the two Associations, in proportion to the sums coming due to each Pilot, and shall make By-laws to that effect.

Assessments for expenses.

40 XXVI. All pilotage fees and other monies collected by the Pilots of either of the two Associations for services rendered as such, shall be deposited in the hands of the Secretary-Treasurer of the Board of Directors, and divided equally among all the Pilots of each of the said Associations respectively, first deducting therefrom the expenses of the Board of Directors, the rent of buildings, the purchase of vessels, and the maintenance of,
 45 both the Crews and Pilots, and all other contingent expenses; the general expenses being charged to the Pilots generally, and the special expenses of the Associations being charged to the said Associations.

Each Pilot not to keep his own earnings, but they shall be divided equally among all.

50 XXVII. If by any accident, or through any other cause provided for by the Quebec Trinity House Act 12 Vic. cap. 114, or by any other Law, any Pilot shall lose his pilotage fees, or wages for other services in his capacity of Pilot, or any part thereof, a sum equal to the amount so lost shall be deducted out of the share coming to him under the foregoing

But any sum forfeited by a Pilot out of his fees or wages, shall be deducted

from his share of the general earnings. section ; and if a Pilot shall be condemned to pay a fine as hereinbefore provided by the twenty-second clause, the Board shall deduct the amount of such fine and costs out of the share of the said Pilot ; and such amount shall be returned into the general funds of the Association to which such Pilot shall belong, but the Directors shall not make a division of any sum arising out of fines imposed by the Board. 5

Annual Statement of Directors. XXVIII. The Pilots shall be entitled to have an annual detailed statement of the receipts, expenses, and payments of the of the Board of Directors, who shall publish a statement of their affairs, and printed copies thereof shall be distributed to all Pilots at the close of the navigation. 10

Lists of Pilots to be kept by the Board. XXIX. The Board of Directors shall always keep in readiness exact lists of the names of all the Pilots who shall compose the two Associations, adding to his name the name (A. or B.) of the Association to which each Pilot shall belong, and it shall be the duty of the said Secretary-Treasurer, on request, to deliver printed copies of these lists to the Officers of the Harbor and of the Trinity House of Quebec, and also to the Pilots, and to keep one of these lists posted up in the premises occupied by the Board, and in the Office of the Trinity House of Quebec. 15

Directors to determine each Pilots share of the earnings of all. XXX. The Directors shall be umpires for the apportionment of the sums which each Pilot belonging to the Association shall be entitled to, in equal sums for all the Pilots of the same Association, after deducting from the share of each Pilot a sum proportioned to any time he may have lost either by suspension, sickness, or voluntary absence, and the Board shall decide as to the period of time so lost. 20

Summary settlements every two months. XXXI. The Directors shall make a summary settlement of their accounts every two months, to be computed from the opening of the navigation and up to the time of the making of the said settlement, or thereafter, and shall deliver over to the Pilots, respectively, two-thirds of the monies to which each Pilot in the said Association shall be entitled, and the remaining third shall remain in the hands of the Secretary-Treasurer until the final settlement which shall take place at the closing of the navigation, retaining therefrom the sums necessary to meet the expenses, as provided in the 26th and other sections. 30

Final settlement for the year. Attachment of moneys of Pilots. XXXII. If the monies belonging to any Pilot shall be seized in the hands of the Secretary Treasurer of the Board, the amount so seized shall be deducted out of the share of such Pilot ; but shall be repaid to him if the Judgment on the seizure be in his favor. 35

Members of Board not liable to fine, &c., for not acting as Pilots. XXXIII. The Members of the Board of Directors of Pilots, shall continue to be Pilots and enjoy every advantage as such, so long as they shall remain in Office, and they shall not be subject to fine nor to lose their Branches, in accordance with the provisions of the 12 Vic., chap. 114, in relation to Pilots who may cease to act as such for a certain period of time, but shall be at liberty to act as Pilots on retiring from Office, and they shall then be subject to the provisions of the Act hereinabove cited. 40

Masters of Vessels may, under certain limitations choose their Pilots downwards. XXXIV. The masters or owners of vessels ready to sail from the Port of Quebec, may, according to the custom now in force, choose their Pilot for the voyage down, provided they choose him from among the Pilots of the Association to which the Pilot who shall have piloted the vessel on the voyage upwards shall belong, if the said vessel does not intend to employ the same Pilot ; and when a vessel shall be sent from Quebec without 50

having been piloted, it may choose its Pilot from among the whole of the profession; and the Directors shall provide for the apportionment of the labor among the Pilots of each Association as above provided.

Directors to apportion labour.

XXXVI. The Board shall make regulations as to the color of Pilot vessels, the marks by which the two Associations A. and B., and the different vessels of these Associations, shall be distinguished, and these regulations shall be published and posted up in the Office of the said Directors, and at the Trinity House of Quebec, for the information of Captains of vessels.

Regulations as to color of Pilot vessels, &c.

XXXVII. The Board of Directors shall make regulations for reimbursing to the heirs of deceased Pilots the share which such Pilot would have had in the property belonging either to the Board of Directors or to either of the Associations A. and B., and also for compelling the payment by Pilots newly admitted into the profession, of a sum sufficient to cover their share in the property above described, to the end that they may be enabled thereby to enter into possession of the said property as other Pilots.

Payment to heirs of Pilots, and by new Pilots of their share of the general property.

DUTIES OF THE SECRETARY-TREASURER:

XXXVIII. The duties of the Secretary-Treasurer of the Board, who shall have been chosen as hereinbefore prescribed, and after he shall have furnished security as aforesaid, shall be as follows:—To obey the orders of the Board of Directors, keep minutes of all proceedings and see that all the provisions of this Act are carried out. It shall also be his duty to receive all the monies paid by the Pilots, and deposit them as soon as he receives them, and at least twice a week in one or more chartered Banks of the City of Quebec. The Secretary Treasurer may, in case of illness or unavoidable absence, appoint a substitute, who shall act on the responsibility of the Secretary Treasurer.

He shall obey orders, keep minutes, deposit monies, &c.

Deputy.

XXXIX. The fees for services of Pilots in their capacity as such for pilotage or otherwise shall be paid directly to the Secretary Treasurer of the Board of Directors of Pilots, and the Captains and Proprietors of vessels under the charge of the said Pilots, before the departure of such vessels from the Port of Quebec, shall pay the amount of pilotage downwards into the hands of the Secretary Treasurer, who shall take charge of such monies until the pilotage shall have been performed, when, if such Pilots shall not have lost their pilotage fees or any part thereof, he shall add them to the funds of the Association, and in the contrary case, such monies, or part thereof, shall be remitted to those who shall have deposited the same.

Pilotage monies to be paid to the Secretary Treasurer.

GENERAL PROVISIONS.

XL. If for any cause whatsoever the election shall not have taken place at the time fixed by this Act, it may be held any day thereafter, after notice given as herein provided.

Time of election.

XLI. It shall be lawful for the Secretary-Treasurer of the Board of Directors of Pilots to prosecute in the name of the Board, the recovery of all monies earned by any Pilot, in the same manner as any Pilot could prosecute the same individually before the passing of this Act.

Recovery of Pilotage money.

XLII. A Pilot suspended for life shall retire immediately from the Association to which he may belong, and shall no longer be allowed to be present at meetings for the election of Directors; and this Provision shall also apply to retired and non-practising Pilots.

Pilots suspended for life or retiring.

- Penalty on Pilots piloting clandestinely, or receiving the pilotage they have earned.** XLIII. Any Pilot who shall have piloted a vessel clandestinely and without the knowledge of the Board, contrary to this Act and the regulations to be made by the said Board, or who shall clandestinely receive any monies earned by him as a Pilot, shall receive a penalty of twice the amount so received, which penalty may be imposed by the Trinity House of Quebec, or the Circuit Court for the Quebec Circuit. 5
- Order of Board.** XLIV. The Board of Directors shall have the same powers as other tribunals for the maintenance of order during their sittings.
- Oath of Office.** XLV. The Directors and their Secretary-Treasurer before entering upon the duties of their respective offices, shall make oath, before one of the Justices of the Superior Court of Lower Canada, or before the Prothonotary of the said Court, faithfully to discharge the said duties. 10
- Suits, where to be brought.** XLVI. All suits at law which may arise in the execution of this Act, shall be decided by the ordinary tribunals for the time being within the limits of their respective jurisdictions. 15
- Interpretation.** XLVII. This Act shall be interpreted in its broadest sense, and equitably understood in its tenor and effect.
- Public Act.** XLVIII. This Act shall be a Public Act.